

DETAILED ACTION

In view of the Appeal Brief filed on 19 November 2007, PROSECUTION IS HEREBY REOPENED. An allowance is set forth below. A Supervisory Patent Examiner (SPE) has approved of reopening prosecution. Claims **1-14** are pending.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Melvin Robinson on 24 April 2008.

The application has been amended as follows:

In The Claims

7. (Currently Amended) A hearing aid device or hearing device system, comprising: at least one input transducer configured to acquire an input signal and transduce it into an electrical signal; an A/D converter configured to convert the electrical input signal into a digital signal; a digital signal processing unit configured to process the digital signal; a clock generator configured to generate a clock signal to control the digital signal processing unit; an output transducer and at least one of a transmitting and receiving unit configured to wirelessly transmit between the hearing aid device or hearing device system and a further device; and a jitter unit associated with the clock generator configured to generate ~~frequency~~ jitter oscillations in the clock signal.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The instant application is deemed to be directed to a nonobvious improvement over the invention published in U.S. Application No. 2004/0247148 (Pedersen).

With respect to independent claims **1** and **7**, the nonobvious improvement comprises a hearing aid device or hearing device system, having *a jitter unit associated with the clock generator configured to generate jitter oscillations in the clock signal*, which deliberately introduces minor frequency oscillations to destabilize the energy portion of the noise signals; thereby, dividing the clock frequency. In doing so, the noise signals are spread over a larger frequency band, and thus the frequency-specific energy is less, resulting in the amplitude of the noise signal caused by the harmonics to lie below a receiving threshold of the receiver and thus not to interfere with the receiver.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHYLESHA L. DABNEY whose telephone number is (571)272-7494. The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 25, 2008

/Phylesha L Dabney/
Examiner, Art Unit 2614

/Curtis Kuntz/
Supervisory Patent Examiner, Art Unit 2614